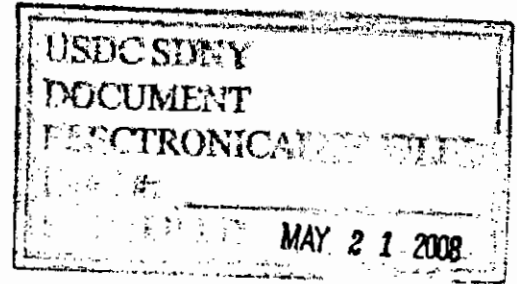


PITTA & DREIER^{LLP}

ATTORNEYS AT LAW

Jane Lauer Barker Partner
Direct Dial 212 652 3828
jbarker@pittadreier.com

May 21, 2008



Via Facsimile (212) 805-0424
Honorable Laura Taylor Swain
United States District Court
Southern District of New York
500 Pearl Street, Room 755
New York, NY 10007

MEMO ENDORSED

Re: **Horizon Healthcare Services, Inc., et al. v. Local 272**
Labor Management Welfare Fund (08 CV 4428) (LTS) (RLE)

Dear Judge Swain:

This firm represents the defendant, Local 272 Welfare Fund (the "Fund"), in the above matter. By order dated May 20, 2008, the Court denied our request for an extension of time to answer or otherwise move with respect to the complaint to and including June 20, 2008, without prejudice to renewal upon a showing of good reason. We are writing to renew our request.

The complaint was served on April 23, 2008, and was removed to this Court on May 12, 2008. The complaint alleges that the Fund has violated an agreement with Horizon under which Horizon provided access to participants and beneficiaries of the Fund to certain hospitals by allegedly failing to pay claims submitted by the hospitals to the Fund for services rendered to the participants and beneficiaries of the Fund. The complaint seeks recovery under four separate claims for relief.

Under Fed.R.Civ.P. Rule 81(c), the Fund's time to answer or present its defenses is five (5) days after removal. The reason that we request an extension of time to June 20, 2008, is to permit us sufficient time to prepare a motion to dismiss the complaint on various grounds, including that Horizon lacks standing, the complaint fails to state a claim upon which relief may be granted, and that certain counts in the complaint are preempted by the Employee Retirement Income Security Act of 1974, as amended. The additional time is needed in order to properly prepare the motion and supporting memorandum of law which will involve substantial legal issues.

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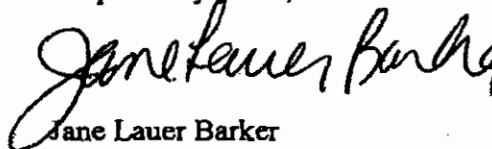
111 Washington Avenue Suite 401 Albany, New York 12210
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Honorable Laura Taylor Swain
May 21, 2008
Page 2

I spoke by telephone to Peter Gallagher, defendant's attorney, and he advises that plaintiffs do not object to a two week extension of time, but he states that he is not authorized to consent to the Fund's requested extension of time to June 20, 2008.

Based upon the foregoing, we respectfully request that the Court grant an extension of time for the Fund to answer or otherwise move with respect to the complaint to and including June 20, 2008.

Respectfully yours,

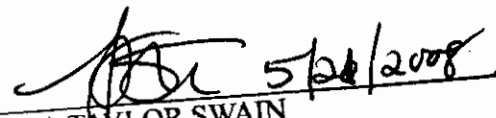


Jane Lauer Barker

cc: Peter Gallagher, Esq. (via fax) (973) 301-8410
David Jay, Esq. (via fax) (212) 801-6400
Bruce Cooper, Esq.

The requested extension to June 20, 2008, is granted. Counsel are to comply with the requirements of paragraph 2B of the Individual Practices Rules of the undersigned in connection with any Motion practice.

SO ORDERED.



5/20/2008
LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE